

Fw: Followup to my Open letter to the Stakeholders

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12/01/2010 06:19 PM

From: Sabrina Forrest/R8/USEPA/US

To:

FYI

Sincerely,

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----- Forwarded by Sabrina Forrest/R8/USEPA/US on 12/01/2010 06:18 PM -----

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Date: 11/30/2010 10:42 AM

Subject: Re: Followup to my Open letter to the Stakeholders

November 30, 2010

Dear Animas River Stakeholder's Group:

I am writing because it is clear to me that our Group has lost sight of its mission, and if we don't return to our roots, the Animas River and the town of Silverton are doomed to go the way of Leadville – environmentally and economically – through the creation of a Superfund site in Upper Cement Creek. In other words, our group will be a failure, and if we fail, I believe it will be because we allowed the Group to become an exclusive club of like minded parties determined to shut down all well conceived water quality improvement plans that run counter to their political and personal interests.

To return our Group to its former effectiveness and to save our River and our Community, I urge all of us

- to compare the mission and values on which we were founded with our recent history
- to re-dedicate ourselves to that mission and those values
- and within the context of our mission and values, to seriously consider a plan that I believe will radically improve the quality of the water in Cement Creek and will consequently render Superfund designation unnecessary.

Our Mission Statement – emphasis added

(Source: <http://animasriverstakeholders.org/page3.php>)

“The Animas River Stakeholders Group has the mission of improving water quality and aquatic habitats in the Animas River watershed *through a collaborative process designed to encourage participation from all interested parties*”

Our History and Process – emphasis added

(Source: <http://animasriverstakeholders.org/page2.php>)

The Animas River Stakeholders Group (ARSG) was formed in 1994 in response to the Colorado Water Quality Control Division's (WQCD) reevaluation and upgrading of standards and classifications for segments of the Animas River Basin. ***The WQCD was keen to encourage grassroots, local participation and expertise.*** The water quality problem was identified as being related to historic mining and natural mineralization in the area, but there are also many unknown factors. The Animas River is a very complex and dynamic ecosystem which takes time and research to understand.

The stakeholder process, although slow and time consuming, is proving an effective means of environmental problem solving. ***A driving force is the undesirable alternative of costly enforcement and regulatory intervention either under the Clean Water Act or under "Superfund".*** In keeping with community-based problem solving, the group has chosen minimal internal structure. ***There is no hierarchy; only unspoken rules of respect*** and the services of a coordinator to keep the effort focused. ***Decisions are made by consensus, not by vote, and a feeling of teamwork prevails.*** Local people are taking responsibility for their community and their environment. One of the primary purposes of the stakeholders group is to serve as a clearinghouse for information about the Animas River watershed for the many interested groups and individuals who are contributing time and knowledge to the effort. The group has, however, been criticized for a preponderance of government agency involvement. The Federal Land Agencies are on board for good reason as 83% of the land in San Juan County is public land, which they are responsible for managing. Due to the scientific complexity of the contamination, the stakeholder's effort has been able to utilize the expertise and funding from a number of agencies for a variety of projects. It should also be noted that the majority of these agency people involved also live in the area and care about the problem.

The group encourages participation from all parties and comments are always welcome. All meetings are open to the public and general meetings are held on a monthly basis in Silverton. An agenda is drawn up and generally includes updates on the status of different issues of interest to the group and reports from the working groups, which handle the more technical matters.

My Observation

My observation of the Group over the last few years is that it is no longer committed to improving water quality, grass roots collaboration, consensus-based decision-making, teamwork, equality, openness, mutual respect, or avoiding Superfund designation. Rather, it appears to be dedicated to rendering mining impossible and to generating EPA staffed projects.

My observations reflect the following sequence of events.

Westword Article – 2005

In 2005 the newspaper Westword published an extensive article on mine drainage putting significant heavy metals into the Animas River. The goals of the article were to raise awareness of the problem, to expose the likely causes, and to call the perpetrators to task. The journalist did an excellent job of verifying the available facts and sharing what he learned. Yet, to blunt the story told by the facts, our

Group Coordinator gave the journalist the following quote,

“After the Sunnyside bulkheads were put in, both the Mogul and the Gold King mines started discharging more water... But it would be silly to say that’s from the Mine pool. We don’t know that.”

Most of our local mining community considers it obvious that the Sunnyside bulkheads are responsible for the Mogul and the Gold King discharges, and for that reason, our Group should have been quick to look into that possibility. But we didn’t as it put our Coordinator in an awkward position given he had had worked for the Sunnyside Mill as a contractor and he was a large shareholder in Standard Metals Corporation (the former Sunnyside owner).

Rotating Cylinder Treatment System – 2007 / 2008

In 2007, I asked the Coordinator to put on the agenda a presentation on a Rotating Cylinder Treatment System (RCTS). He replied with an email confirming the agenda item had been added. However, after driving 350 miles to get to the meeting (700 miles round trip), I found it wasn’t included, and the Coordinator informed me there wasn’t enough time for it. Fortunately, the other attendees agreed to hear about RCTS, the Group approved a trial, and the EPA agreed to fund it. In addition, I arranged for private parties to donate equipment to the test. In fact, I contributed some equipment myself, and the technology proved to be much more efficient than traditional water treatment technology, although it still generated significant sludge which we considered to be a problem.

Blue Sky Water Technologies – 2008 / 2009

At the time that the Group was testing RCTS, I found an even better technological option from Blue Sky Water Technologies. So, I suggested the EPA run an “apples-to-apples” split of pre-treatment water samples from the Gold King Mine and that they send the samples to Blue Sky for a bench test at the expense of a private mining company. The EPA refused to support the program, even though it would have cost them nothing, and the mining company proceeded on its own. The Blue Sky test was a tremendous success. It removed all contaminants from the water to safe levels and produced far less sludge than RCTS. In addition, it proved that a compact water treatment plant could be built at the Gold King (even underground) and that the water could be treated economically. These results were presented to our Group by a Blue Sky executive in February 2009 and David Reisman, Director of Research/Development EPA Cincinnati was in attendance. In other words, high level members of the EPA staff are fully aware of this solution. However, our Group lost track of the potential for this technology to clean up the Animas River, because the Coordinator turned the discussion to the possibility of creating a water treatment research center in Silverton instead with a possible eye to becoming the Director of the Center or some other ulterior motive.

In parallel with this test, the US Army Corps of Engineers also came across Blue Sky’s solution, and they told me they were very interested in doing a larger pilot test at Gladstone. They further told me that \$630,000 in Federal Funds could be appropriated for the pilot if it was supported by our local Congressman. The Congressman refused, and the funds went to another state. To this day, I find

myself stunned by his refusal. What possible reason could he have for turning down free money and labor to test such a highly promising solution? I can only assume that there were parties who lobbied against it, but who and why? We will never know the truth.

Reopening the American Tunnel – 2008 / 2009

At about the time the Blue Sky program died, a State employee commented at a Group meeting that it made total sense to re-open the American Tunnel in order to treat the mine pool discharge in one place, rather than forcing it to flow in multiple directions. This discussion was shut down by the Group Coordinator.

At the time, the Coordinator also dismissed my comments about a six inch borehole that directly connects the Gold King workings to the American Tunnel and my belief that it allows significant discharge to flow directly from the American Tunnel into the Gold King and out the Gold King portal. This was important information that should have been pursued, but apparently the Coordinator had his own reasons for squelching it. Again, it begs the question ‘why?’.

Along similar lines, a local mining company approached the EPA for permission under a Consent Decree to fill other drill holes between the Gold King and the Sunnyside property boundary in order to shut off the water that was flowing through them. The EPA agreed but under such onerous conditions that the company couldn’t proceed with the plan. For example, the EPA wanted to require the company to write a blank check to the EPA for up to millions of dollars, or as an alternative, the EPA wanted the company to forfeit the Gold King outright.

EPA Superfund Investigation - 2010

As you know, in our October meeting, our Group discussed EPA sampling in Upper Cement Creek with an eye to possible Superfund designation. When I read about the discussion in the meeting’s minutes I was shocked. So, I wrote an open letter to our Group, the San Juan County Commissioners, and the People of San Juan County expressing my strong opposition to the plan, and in it I asked the San Juan County Commissioners to create a resolution stating they were against the creation of any Superfund sites in the County. I was completely open about my position, the reasons behind it, and my proposal for an alternative approach to cleaning up the water while allowing environmentally sound mining to be performed.

In response to my letter, our Group’s leaders sent an email to all of our members except me, and during the November 23rd Commissioners Meeting Mr. Simon had the email read into the public record. It was at this point that he gave me a copy, and I have received no Group emails since the meeting. It seems I have been expelled. Apparently, I am no longer welcome to participate in our Group which claims to be dedicated to grass roots collaboration, consensus-based decision making, teamwork, equality, openness, mutual respect, and rendering Superfund designation unnecessary.

As a long standing member of and contributor to the Animas River Stakeholders Group I feel it is imperative that I lay out, once again, my proposal for cleaning up the mine drainage the EPA is concerned about. I believe my proposal will not only be the most effective way to clean up the water

in the Animas River but it will also allow our mining industry to thrive in an environmentally responsible fashion while bringing prosperity to the people of Silverton and San Juan County.

My Proposal

I believe the only effective solution to the Sunnyside Mine Pool problem is to incrementally discharge from the American Tunnel to a treatment plant. I have discussed this idea with a mining contractor, and I have been told it can be done.

The inner Bulkhead #1, one mile into the tunnel, holds the mine pool and is the high pressure bulkhead. Bulkheads #2 and #3 serve only to hold the water for the remaining mile of the tunnel and force the mine pool water table out to the surface of the mountain.

With this in mind I propose making a single drill hole into Bulkhead #3 to relieve the pressure, followed by making additional drill holes to draw down the water behind the Bulkhead. Once this is done, Bulkhead#3 could be blasted out of the way, and the procedure can be repeated on Bulkhead #2. Once the flow stabilizes, a fan of “reliever holes” could then be drilled into the rock before Bulkhead#1. This would allow a very slow drawdown of the main mine pool to a lower level without fear of a breach. All the water discharges that have occurred since the creation of the mine pool would be eliminated, including the Mogul and the three discharges that resulted from bulkheading the Mogul. This would allow a single water treatment plant to handle the approximate volume of today’s combined discharges.

In contrast, if you bulkhead the Red and Bonita Mine and the Gold King Mine as being discussed by the EPA, the water will sprout from other places as in the case of the American Tunnel. In other words, the problem will move, and more bulkheading will be required. Using this approach, the problem will persist, and the EPA could be kept busy for many years

In Summary

In 1994, the Animas River Stakeholders Group was founded with a clear mission and clear values, but having lost sight of our roots, our Group is now at risk of failing. If we weren’t, the EPA would not be evaluating Upper Cement Creek for possible Superfund designation. But we have a chance to implement a far superior solution if we re-dedicate ourselves to our mission and the “driving force” behind the creation of our Group.

I am writing this letter, because I’m not ready to give up on our River, our Community, or our County. Are you? I urge you to join me in this effort to pursue a common sense solution to our mine drainage problem, and to once again make the Animas River Stakeholders Group relevant and a positive force for effective, community-driven, water restoration for the benefit of San Juan County and its visitors.

For the Gladstone Institute Inc.,

Todd C. Hennis, Pres.

